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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 10/630,327 | 07/30/2003 | Robert G. Vennard | DEGMAN P06AUS | 8771 |
| 20210 | 7590 | 05/05/2004 | EXAMINER | |
| DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151 | | | NOVOSAD, CHRISTOPHER J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3671 | |

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/630,327 | | VENNARD ET AL. | |
| | Examiner | | Art Unit | |
| | Christopher J. Novosad | | 3671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 7-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claims 1, 6 and 11 are objected to because of the following informalities:

In line 2 of claims 1 and 6 and in line 3 of claim 11, the recitation "a" before "first" should be deleted to correct a grammar error.

In line 3 of claims 1 and 6 and in line 4 of claim 11, the recitation "a" before "front" should be deleted to correct a grammar error . Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishino *et al.*

With respect to claim 1, Ishino *et al.* show a materials moving blade 7 for attachment to a vehicle 2 comprising:

a main blade 7 defined by first and second ends (unnumbered), a top edge (unnumbered), a bottom edge (unnumbered) and front 7 and back (unnumbered) surfaces;

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a first sidewall (unnumbered) and a second sidewall (unnumbered) attached to and extending substantially perpendicular from the respective first and second ends (unnumbered) of the main blade 7;

a first support gusset (unnumbered, adjacent 11 in Fig. 1), extending from a larger base portion (unnumbered) connected to the front surface 7 of the main blade 7 to a smaller apex portion (unnumbered) connected to the first sidewall (unnumbered);

a second support gusset (unnumbered, adjacent 12 in Fig. 1) extending from a larger base portion (unnumbered) connected to the front surface 7 of the main blade 7 to a smaller apex portion (unnumbered) connected to the second sidewall (unnumbered).

With respect to claim 6, Ishino *et al.* show a materials moving box blade 7 comprising:

a main blade 7 defined by first and second ends (unnumbered), a top edge (unnumbered), a bottom edge (unnumbered) and front 7 and back (unnumbered) surfaces;

a first sidewall (unnumbered) and a second sidewall (unnumbered) attached to and extending substantially perpendicular from the respective first and second ends (unnumbered) of the main blade 7;

a first support gusset (unnumbered, adjacent 11 in Fig. 1), extending from a larger base portion (unnumbered) connected to the front surface 7 of the main blade 7 to a smaller apex portion (unnumbered) connected to the first sidewall (unnumbered);

a second support gusset (unnumbered, adjacent 12 in Fig. 1) extending from a larger base portion (unnumbered) connected to the front surface 7 of the main blade 7 to a smaller apex portion (unnumbered) connected to the second sidewall (unnumbered).

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With respect to claim 11, Ishino *et al.* show a method of strengthening a materials moving blade 7, the method comprising the steps of:

providing a main blade 7 defined by first and second ends (unnumbered), a top edge (unnumbered), a bottom edge (unnumbered) and front 7 and back (unnumbered) surfaces;

attaching a first sidewall (unnumbered) and a second sidewall (unnumbered) to and extending substantially perpendicular from the respective first and second ends (unnumbered) of the main blade 7;

attaching a first support gusset (unnumbered, adjacent 11 in Fig. 1) extending from a larger base portion (unnumbered) connected to the front surface 7 of the main blade 7 to a smaller apex portion (unnumbered) connected to the first sidewall (unnumbered);

attaching a second support gusset (unnumbered, adjacent 12 in Fig. 1) extending from a larger base portion (unnumbered) connected to the front surface 7 of the main blade 7 to a smaller apex portion (unnumbered) connected to the second sidewall (unnumbered).

Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Weagley.

With respect to claim 1, Weagley shows a materials moving blade 10 for attachment to a vehicle (unnumbered; Figs. 4 and 5) comprising:

a main blade 10 defined by first and second ends (unnumbered), a top edge 11, a bottom edge 14 and front (unnumbered) and back (unnumbered) surfaces;

a first sidewall 26 (Fig. 2) and a second sidewall 26 (Fig. 2) attached to and extending substantially perpendicular from the respective first and second ends (unnumbered) of the main blade 10;

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a first support gusset (member, unnumbered, adjacent 26 and between 28 and 10 in Fig. 2) extending from a larger base portion (unnumbered) connected to the front surface (unnumbered) of the main blade 10 to a smaller apex portion (unnumbered) connected to the first sidewall 26;

a second support gusset (member, unnumbered, adjacent 26 and between 28 and 10 in Fig. 2) extending from a larger base portion (unnumbered) connected to the front surface (unnumbered) of the main blade 10 to a smaller apex portion (unnumbered) connected to the second sidewall (unnumbered).

With respect to claim 6, Ishino *et al.* show a materials moving box blade 10 comprising:

a main blade 10 defined by first and second ends (unnumbered), a top edge 11, a bottom edge 14 and front (unnumbered) and back (unnumbered) surfaces;

a first sidewall 26 (Fig. 2) and a second sidewall 26 (Fig. 2) attached to and extending substantially perpendicular from the respective first and second ends (unnumbered) of the main blade 10;

a first support gusset (member, unnumbered, adjacent 26 and between 28 and 10 in Fig. 2) extending from a larger base portion (unnumbered) connected to the front surface (unnumbered) of the main blade 10 to a smaller apex portion (unnumbered) connected to the first sidewall 26;

a second support gusset (member, unnumbered, adjacent 26 and between 28 and 10 in Fig. 2) extending from a larger base portion (unnumbered) connected to the front surface (unnumbered) of the main blade 10 to a smaller apex portion (unnumbered) connected to the second sidewall (unnumbered).

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With respect to claim 11, Ishino *et al.* show a method of strengthening a materials moving blade 10, the method comprising the steps of:

providing a main blade 10 defined by first and second ends (unnumbered), a top edge 11, a bottom edge 14 and front (unnumbered) and back (unnumbered) surfaces;

attaching a first sidewall 26 (Fig. 2) and a second sidewall 26 (Fig. 2) to and extending substantially perpendicular from the respective first and second ends (unnumbered) of the main blade 10;

attaching a first support gusset (member, unnumbered, adjacent 26 and between 28 and 10 in Fig. 2) extending from a larger base portion (unnumbered) connected to the front surface (unnumbered) of the main blade 10 to a smaller apex portion (unnumbered) connected to the first sidewall 26;

attaching a second support gusset (member, unnumbered, adjacent 26 and between 28 and 10 in Fig. 2) extending from a larger base portion (unnumbered) connected to the front surface (unnumbered) of the main blade 10 to a smaller apex portion (unnumbered) connected to the second sidewall 26.

Allowable Subject Matter


Claims 2-5 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christopher J. Novosad
Primary Examiner
Art Unit 3671

May 3, 2004